THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18160 OF 2005

Dt:22.09.2005

Between:

K.Lalayya

.. Petitioner

and

The Secretary to Government of A.P.,

and others

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18160 OF 2005

ORDER:

The petitioner possesses certain land in the scheduled area. The Special Deputy

Collector (Tribal Welfare) initiated proceedings in S.R.No.32 of 1977 against the parents of the petitioner. Through order, dated 07.01.1978, the Special Deputy Collector directed resumption of the land from them. Aggrieved thereby, they filed S.R.A.No.7 of 1978 before the Agent to Government, West Godavari, Eluru. The appeal was rejected on 13.05.1983. Thereafter, they filed a revision before the Government vide R.P.No.F2/1449/1983, together with an application for stay. When no orders have been passed on the application for stay, the mother of the petitioner filed W.P.No.6118 of 1983 before this Court. The writ petition was disposed on 04.08.1983 directing that she shall not be evicted till the disposal of the revision by the Government.

The grievance of the petitioner is that the revision has not been disposed of as yet and in the meanwhile, proceedings are initiated by the second respondent, Director of Settlements, to cancel the pattas granted in favour of the petitioner. He seeks a direction to the first respondent to dispose of the revision before the Government or if the same has been disposed of, to furnish a copy of the order.

Heard the learned counsel for the petitioner and the Learned Government Pleader for Social Welfare.

The petitioner claims that his mother preferred a revision under the provisions of the Andhra Pradesh Scheduled Area Land Transfer Regulation 1/59 read with regulation 1/1970 aggrieved by the orders passed by the Special Deputy Collector and the Agent to Government. It is his specific complaint that ever since the filing of the revision, he has not been issued any notice of hearing, much less, any order passed therein was not communicated to him. This Court would have been reluctant to accept the plea of the petitioner, but for the fact that the filing of revision is borne out by an order passed by this Court in W.P.No.6118 of 1983, and not only the factum of filing of revision, but also the number given to it was referred to in the order. The same has to be accepted. The petitioner has categorically stated in the affidavit that though he approached the first respondent number of times, he was informed that the file is not traceable. The statutory remedy availed by the petitioner cannot be dealt with in such a manner. If, in fact, the file was misplaced or lost, the first respondent ought to have taken steps to reconstruct it, by requiring the petitioner to file the copies.

For the foregoing reasons, the writ petition is disposed of directing that:

a. the first respondent shall intimate the petitioner as to whether the revision filed by his mother has been disposed of by now and if so, furnish a copy of the order.

b. in case, the revision is not disposed of due to misplacement of the file, it shall be open to the petitioner to supply a copy of the revision as well as other documents and the first respondent shall proceed to dispose of the same within two months from the date of submission of the same.

c. the second respondent shall defer the proceedings initiated against the petitioner till the disposal of the revision, pending before the first respondent.

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22.09.2005

kdl